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| 10/772,232 | 02/04/2004 | Vinod Vasudevan | 13998.0002 | 2190 |

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| EXAMINER | |
|---|---|
| IWUCHUKWU, EMEKA DERRICK | |
| **ART UNIT** | **PAPER NUMBER** |
| 2645 | |

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/772,232 | VASUDEVAN, VINOD | |
| | Examiner | Art Unit | |
| | Emeka D. Iwuchukwu | 2645 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *10/25/04*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/25/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 10/25/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Le Corre U.S. Patent Pub 2004/0037412.

Le Corre teaches a mobile telephony system, comprised of: a plurality of mobile telephone devices (paragraph 6), at least some mobile devices having differing amounts of data processing resources (paragraphs 6,9); a first mobile application (paragraph 6; request); and a server in communication with said mobile telephone devices (paragraph 25), said server and a first mobile device collectively performing said first mobile application, wherein the amount of data processing resources of the server utilized in the performance of the first mobile application is variable in accordance with the amount

of data processing resources available at the first mobile device (paragraphs 6,16,48,50).

The server and the mobile device perform a search request. If the first mobile device is able to process the data in the format received by the server from the web, the data processing resources of the server utilized in the search request is less (no format conversion necessary).

4. **Claims 9&10** are rejected under 35 U.S.C. 102(e) as being anticipated by Helferich U.S. Patent No. 6,636,733.

Helferich teaches a mobile telephony application platform in communication with a plurality of mobile telephone devices, said mobile telephony application platform comprised of (Col 1 Lines 22-25): a user storage manager that allocates data storage resources at a fixed site to each of a plurality of mobile devices (Col 4 Lines 11-17); a common storage manager that maintains storage for application data received from each of a plurality of mobile devices (Col 4 Lines 4-6), and a processor manager that allocates a computational resources to process data for each of a plurality of mobile devices (Col 4 Lines 44-56).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 2,3,4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Corre U.S. Patent Pub 2004/0037412 in view of Helferich U.S. Patent No. 6,636,733.

Le Corre teaches the mobile telephony system of claim 1. Le Corre fails to specifically mention the server is comprised of a user storage manager, a common storage manager and a processor manager.

In the same field of endeavor, Helferich teaches a similar system, wherein said server is comprised of a user storage manager that allocates data storage resources for each of a plurality of mobile devices (Col 4 Lines 11-17); a common storage manager that maintains storage of data for each of a plurality of mobile devices (Col 4 Lines 4-6), and a processor manager that allocates a computational resources to each of a plurality of mobile devices (Col 4 Lines 44-56). It is inherent that the email server allocates and maintains storage resources for the mobile devices it serves.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a user storage manager, a common storage manager and/or a processor manager to manage the data resources available to the plurality of mobile devices.

8. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Le Corre U.S. Patent Pub 2004/0037412 in view of Hall et al. U.S. Patent No. 6,230,004 (hereinafter Hall).

Le Corre teaches the mobile telephony system of claim 1. Le Corre fails to specifically mention a mobile device is comprised of a local resource manager that monitors an amount of data processing resources on said mobile device and communicates with said server.

In the same field of endeavor, Hall teaches a similar system, wherein a mobile device is comprised of a local resource manager that monitors an amount of data processing resources on said mobile device and communicates with said server (Col 2 Lines 22-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a mobile device comprised of a local resource manager that monitors an amount of data processing resources on said mobile device and communicates with said server so some of the data processing burden can be shifted to the server when the device has inadequate amounts of data processing resources, as taught by Hall (Col 2 Lines 22-27).

9. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Le Corre U.S. Patent Pub 2004/0037412 in view of Netanel U.S. Patent Pub 2003/0166398.

Le Corre teaches the mobile telephony system of claim 1. Le Corre fails to specifically mention a mobile device is comprised of a bootstrap processor that initiates said first mobile application.

In the same field of endeavor, Netanel teaches a similar system wherein a mobile device is comprised of a bootstrap processor that initiates said first mobile application (paragraph 56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a mobile device comprised of a bootstrap processor so that it would initiate the application as taught by Netanel (paragraph 56).

10. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Le Corre U.S. Patent Pub 2004/0037412 in view of Beresin et al. U.S. Patent Pub 2004/0158829 (hereinafter Beresin).

Le Corre teaches the mobile telephony system of claim 1. Le Corre fails to specifically mention the system further includes a second mobile application wherein said first mobile device suspends the first client application, uploads information about a state of the second application to said server, and downloads information about a state of the second mobile application upon a request to perform the second mobile application.

In the same field of endeavor, Beresin teaches a similar system wherein the mobile device suspends the first client application, uploads information about a state of the second application to said server, and downloads information about a state of the second mobile application upon a request to perform the second mobile application (paragraph 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to suspend the first client application, uploads information about a

state of the second application to said server, and downloads information about a state of the second mobile application upon a request to perform the second mobile application to manage the storage resources at the mobile device as taught by Beresin (paragraph 26).

11. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Le Corre U.S. Patent Pub 2004/0037412 in view of Herz et al. U.S. Patent Pub 2003/0153338 (hereinafter Herz).

Le Corre teaches the mobile telephony system of claim 1. Le Corre fails to specifically mention a mobile device and said server jointly allocate resources to said first mobile application, thereby enabling the mobile device to perform mobile applications that exceed the data processing capabilities of the mobile device.

In the same field of endeavor, Herz teaches a similar system wherein a mobile device and said server jointly allocate resources to said first mobile application, thereby enabling the mobile device to perform mobile applications that exceed the data processing capabilities of the mobile device (paragraph 242).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the mobile device and said server jointly allocate resources to said first mobile application, so that some of the processing burden is handled by the server when insufficient memory or processing resources exist at the mobile device as taught by Herz (paragraph 242).

12. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich U.S. Patent No. 6,636,733 in view of Hall et al. U.S. Patent No. 6,230,004 (hereinafter Hall).

Helferich teaches the mobile telephony application platform of claim 9. Helferich fails to specifically mention a local resource manager on a mobile device communicates with said mobile telephony application platform, and wherein said mobile telephony application platform provides data processing resources for said mobile device, thereby enabling said mobile device to provide a mobile application that requires resources greater than available free resources of the mobile device.

In the same field of endeavor, Hall teaches a similar platform wherein a local resource manager on a mobile device communicates with said mobile telephony application platform, and wherein said mobile telephony application platform provides data processing resources for said mobile device, thereby enabling said mobile device to provide a mobile application that requires resources greater than available free resources of the mobile device (Col 2 Lines 22-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the application platform of Helferich to include the local resource manager that communicates with the mobile telephony application platform, wherein the mobile telephony application platform provides data processing resources for said mobile device, thereby enabling said mobile device to provide a mobile application that requires resources greater than available free resources of the mobile

device so the mobile device can accomplish tasks that require more data processing facilities than available on the mobile device as taught by Hall (Col 2 Lines 22-27).

13. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich U.S. Patent No. 6,636,733 in view of Netanel U.S. Patent Pub 2003/0166398.

Helferich teaches the mobile telephony application of claim 9. Helferich fails to specifically mention the mobile device is comprised of a bootstrap processor that initiates said mobile client application.

In the same field of endeavor, Netanel teaches a similar application wherein the mobile device is comprised of a bootstrap processor that initiates said mobile client application (paragraph 56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a mobile device comprised of a bootstrap processor so that it would initiate the application as taught by Netanel (paragraph 56).

14. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. U.S. Patent No. 6,230,004 (hereinafter Hall) in view of Netanel U.S. Patent Pub 2003/0166398, further in view of Helferich U.S. Patent No. 6,636,733.

Hall teaches a mobile telephony system, comprised of: (i) a first mobile application (Col 2 Line 22); (ii) a mobile device (Col 1 Lines 23-24), comprised of: (a) a local resource manager that allocates a resource on said mobile device for said first mobile client application (Col 2 Lines 22-27). Hall fails to specifically mention a bootstrap processor or an application platform comprised of a user storage manager, a common storage manager and a processor manager.

In the same field of endeavor, Netanel teaches a similar system wherein the mobile device has a bootstrap processor that initiates said first mobile client application (paragraph 56) and an application platform comprised of a user storage manager that allocates a resource on said application platform for said mobile device (paragraph 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a mobile device with a bootstrap processor, so that it would initiate the application as taught by Netanel (paragraph 56).

Hall in view of Netanel fails to specifically mention an application platform comprised of a common storage manager and a processor manager.

In the same field of endeavor, Helferich teaches an application platform comprised of a common storage manager that maintains stateless data for said mobile device (Col 4 Lines 4-6); and a processor manager that allocates a computational resource to said mobile device (Col 4 Lines 44-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a common storage manager that maintains stateless data for said mobile device and a processor manager that allocates a computational resource to said mobile device to manage the resources available to the mobile device.

15. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. U.S. Patent No. 6,230,004 (hereinafter Hall) in view of Netanel U.S. Patent Pub 2003/0166398, further in view of Helferich U.S. Patent No. 6,636,733 and further in view of Beresin et al. U.S. Patent Pub 2004/0158829 (hereinafter Beresin).

Hall in view of Netanel further in view of Helferich teaches the system of claim 13. Hall in view of Netanel further in view of Helferich fails to teach said mobile device uploads information about a state of the first mobile client application to said application platform in order to make available resources for a second mobile application.

In the same field of endeavor, Beresin teaches a similar system wherein said mobile device uploads information about a state of the first mobile client application to said application platform in order to make available resources for a second mobile application (paragraph 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the mobile device to upload information about a state of the first mobile client application to said application platform in order to make available resources for a second mobile application to manage the storage resources at the mobile device as taught by Beresin (paragraphs 26,27).

16. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. U.S. Patent No. 6,230,004 (hereinafter Hall) in view of Netanel U.S. Patent Pub 2003/0166398, further in view of Helferich U.S. Patent No. 6,636,733 and further in view of Herz et al. U.S. Patent Pub 2003/0153338 (hereinafter Herz).

Hall in view of Netanel further in view of Helferich teaches the system of claim 13. Hall in view of Netanel further in view of Helferich fails to teach the mobile device and said application platform jointly perform said mobile application, thereby enabling the first mobile application to exceed the resources of the mobile device.

In the same field of endeavor, Herz teaches a similar system wherein the mobile device and the application platform jointly perform said mobile application, thereby enabling the first mobile application to exceed the resources of the mobile device (paragraph 242).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the mobile device and application platform to jointly perform the mobile application so that some of the processing burden is handled by the application platform when insufficient memory or processing resources exist at the mobile device as taught by Herz (paragraph 242).

17. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Netanel U.S. Patent Pub 2003/0166398, in view of Hall et al. U.S. Patent No. 6,230,004 (hereinafter Hall).

Netanel teaches a mobile telephony device (paragraph 56) comprising: data processing resources capable of performing at least a part of a first mobile application (paragraphs 20,34); and a bootstrap processor that initiates the mobile application (paragraph 56). Netanel fails to specifically mention the server that performs at least a part of the application using data processing resources at a location remote from the mobile device.

In the same field of endeavor, Hall teaches a similar device in conjunction with a server that performs at least a part of the application using data processing resources at a location remote from the mobile device (Col 2 Lines 22-27).

It would have been obvious to one of ordinary skill in the art to have the mobile device in conjunction with the server that performs at least a part of the application using data processing resources at a location remote from the mobile device so some of the data processing burden can be shifted to the server when the device has inadequate amounts of data processing resources, as taught by Hall (Col 2 Lines 22-27).

18. **Claim 17** is rejected under 35 U.S.C. as being unpatentable over Netanel U.S. Patent Pub 2003/0166398, in view of Hall et al. U.S. Patent No. 6,230,004 (hereinafter Hall).

Netanel in view of Hall teaches the mobile telephone device as in claim 16 capable of transmitting, to the remote location, information about a state of the first mobile application (Hall, Col 2 Lines 22-27).

19. **Claims 18&19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Netanel U.S. Patent Pub 2003/0166398, in view of Hall et al. U.S. Patent No. 6,230,004 (hereinafter Hall) further in view of Beresin et al. U.S. Patent Pub 2004/0158829 (hereinafter Beresin).

Netanel in view of Hall teaches the mobile telephone device as in claim 16 capable of transmitting, to the remote location, information about a state of the first mobile application (Hall, Col 2 Lines 22-27). Netanel in view of Hall fails to specifically mention the telephone device is also capable of receiving, from the remote location, information about a state of a second mobile application; and initiating second mobile application using the received state information.

In the same field of endeavor, Beresin teaches a similar telephone device capable of transmitting, to the remote location, information about a state of the first mobile application (paragraph 27), receiving, from the remote location, information about a state of a second mobile application (paragraph 26); and initiating second mobile application using the received state information (paragraphs 25,26).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka D. Iwuchukwu whose telephone number is (571) 272-5512. The examiner can normally be reached on M-F (9.30AM - 6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

EDI

Ovidio Escalante